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OGC HAS REVIEWED.

23 March 1950

MEMORANDUM FOR: THE EXECUTIVE

SUBJECT: Petition for Relief of  
[REDACTED]

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1. You will note Mr. [REDACTED] answer to your question on the cover sheet of the attached file that there is no legal justification on which payment can be based. This, we believe, is true and we believe further that any employee outside of CIA would necessarily be denied administrative relief. There remains only the question whether the problems peculiar to CIA open a way for proper exercise of the Director's wide authorities.

2. Government employees, as well as other persons, have access to certain forums when administrative action fails to relieve. These may be the Federal Courts and, in particular, the Court of Claims or, in the alternative, may be the Congress. In our opinion, the courts could not give relief in this case even under the somewhat tolerant attitude of the Court of Claims. Probably the only prospect for assistance from the Government would be an application for relief by Private Bill in Congress. We are not prepared to say what chance of success such a Bill would have. Without question, however, we believe it would have a chance however small.

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3. We have not requested any ruling on the security aspects, but we suspect that [REDACTED] would not be permitted to present the details of his story to his Congressman and have it incorporated in the files of Congress in order to support legislative action. If this is true, it would appear that we are denying a right to an employee for proper security reasons peculiar to this Agency's operations. The precise value of this right is impossible to estimate, but, if the Director determined that the right is being denied by policies established by him, there would be no objection to an administrative determination that relief should be afforded in a reasonable amount in relation to the injury received.

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L. In this connection, we see the basis for establishing the direct causal connection between the conditions of the overseas assignment and the illness of the wife, and consequent medical expenses. To find it difficult, however, to accept the statements concerning costs or loss in connection with the automobile as establishing that the damage was the result of any official action or failure to act.

LAWRENCE R. HOUSTON  
General Counsel  
Legal Staff

Attachment: Background file  
re [REDACTED]

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LHH/ml

cc: Subject  
Chrono  
Legal Decisions